

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/698,492 Confirmation No. 3236
Applicant : John D. Brennan and Nicholas Rupcich
Filed : November 3, 2003
Title : MULTICOMPONENT PROTEIN ARRAYS
Art Unit : 1631
Examiner : Anna Skibinsky

Docket No. : 3244-121 (Formerly 571-886)

Assistant Commissioner of Patents
Washington, DC 20231

Declaration of John D. Brennan and Nicholas Rupcich Under 37 CFR §1.132

We declare:

1. We are the inventors of the subject matter described and claimed in the above-captioned patent application.
2. The above-captioned application claims priority from United States provisional patent application number 60/422,892, filed November 1, 2002.
3. The reference Zheng Zhang, Yang Chen, Jorge Cruz-Aguado, Richard J. Hodgson, Dina Tleugabulova, John D. Brennan and Michael A. Brook, "Protein Compatible Methods and Compounds for Controlling the Morphology and Shrinkage of Silica Derived From Polyol-Modified Silanes," United States Patent Application Publication US 2004/0249082 (hereinafter "Zhang et al."), has a priority date of August 23, 2002, based on Provisional Application Nos. 60/405,308, 60/405,309 and 60/484,298, not more than one year before the November 1, 2002, priority date of US Serial No. 10/698,492 based on Provisional Application No. 60/422,892.

4. Any subject matter disclosed in Zhang et al., but not claimed in Zhang et al., but claimed in the instant application originated with or was derived from us.
5. All statements made herein of our knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

John D. BrennanDate: July 24/06_____
Nicholas Rupcich

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Date: July 24, 2006



John D. Brennan

Date: _____

Nicholas Rupcich